

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO <i>ex rel.</i>	)	
State Engineer,	)	
	)	
Plaintiff,	)	No. 69cv07941-BB
	)	
	)	Rio Chama Stream System
	)	
ROMAN ARAGON, <i>et al.</i> ,	)	
	)	Pueblo Subproceeding
Defendants.	)	
_____	)	

**SECOND AMENDED SCHEDULING ORDER ON PUEBLO CLAIMS**

Pursuant to Fed.R.Civ.P. 16(b) and the Court's April 21, 1994 *Order of Reference*, and after considering the comments of counsel during the scheduling conference held herein on April 27, 2010 and for good cause shown, the November 3, 2004 *Scheduling Order on Pueblo Claims* (No. 7639) ("Scheduling Order"), as amended by the February 27, 2008 *Amended Scheduling Order on Pueblo Claims* (No. 9118) and the February 8, 2010 *Order Granting Motion to Vacate Pueblo Claims Deadlines and Set Scheduling Conference* (No. 9577), is hereby further amended as follows.

1. Section 4.1 of the Scheduling Order is amended as follows:

4.1.5 Subject to reconsideration in the event the parties request, or the Special Master *sua sponte* orders, an intervening scheduling conference, the following shall govern the course of Subproceeding 1:

4.1.5.1 **Discovery completion date:** All discovery will be commenced in time to be completed by **June 2, 2016**. Motions relating to discovery (including, but not limited to, motions to compel and motions for protective order) shall be filed with the Court and served on opposing

parties by **July 28, 2016**. This deadline shall not be construed to extend the twenty-day time limit in D.N.M.LR-Civ. 26.6.

**4.1.5.2 Expert Witness Disclosure:** The parties anticipate calling expert witnesses in the fields of hydrology, archeology, anthropology, history, agricultural science, soil science, palynology, and hydrographic survey. Reports from retained experts under Rule 26(a)(2) shall be due:

From the United States by **September 1, 2011**;

From Ohkay Owingeh by **September 5, 2012**;

From the State by **June 5, 2014**;

From all other parties by **December 10, 2014**.

Rebuttal expert reports from all parties shall be disclosed on or before **June 5, 2015**.

**4.1.5.3 Witness and Exhibit Lists:** Final lists of witnesses under Rule 26(a)(3)(i) & (ii) shall be due from all parties on **December 1, 2016**. Final lists of exhibits under Rule 26(a)(3)(iii) shall be provided no later than **March 1, 2017**. Parties shall have 15 days after service of final lists of witnesses and exhibits to list objections under Rule 26(a)(3).

**4.1.5.4 Pretrial Motions:** Pretrial motions directed to substantive issues shall be filed with the Court and served on opposing parties by **September 1, 2016**, or thirty (30) days after relevant documents are provided pursuant to a motion to compel, whichever is later. Any pretrial motions, other than discovery motions, motions *in limine*, or motions challenging the qualifications of an expert witness, filed after this date

shall be considered untimely in the discretion of the Court. Motions challenging the qualifications of any expert witness shall be filed on or before **January 5, 2017**.

4.1.5.5 **Date and Anticipated length of trial:** The case should be ready for trial by **June 2017**. The parties agree that it is impossible to make a realistic projection concerning the length of trial at this point in time.

2. Section 4.2 of the Scheduling Order is amended as follows:

4.2.1 Not later than 90 days following the conclusion of the trial of Subproceeding 1, counsel for the United States and counsel for the State of New Mexico ex rel. State Engineer shall, after conferring with counsel for all parties, submit a joint motion requesting a conference for the purpose of establishing the schedule to govern Pueblo Claims Subproceeding 2, and setting forth the parties' recommended dates for the scheduling conference.

3. Except as amended pursuant to this Order, all other provisions of the Scheduling Order remain in full force and effect.

IT IS SO ORDERED.

*Vickie L. Gabin*

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SPECIAL MASTER VICKIE L. GABIN